

Justin L. Carley, Esq.
Nevada Bar No. 9994
Bradley T. Austin, Esq.
Nevada Bar No. 13064
Snell & Wilmer L.L.P.
3883 Howard Hughes Pkwy, Suite 1100
Las Vegas, NV 89169
Tel: 702-784-5200
Fax: 702-784-5252
jcarley@swlaw.com
baustin@swlaw.com

*Attorneys for Defendant PAE
Applied Technologies, LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA FOR THE
USE AND BENEFIT OF AMERICAN
GENERAL CONSTRUCTION, INC., and
AMERICAN GENERAL CONSTRUCTION
INC. d/b/a AGC, INC.,

Plaintiffs,

v.

YACK CONSTRUCTION, INC.,
MERCHANTS BONDING COMPANY
(MUTUAL), and PAE APPLIED
TECHNOLOGIES, LLC

Defendants.

Case No. 2:17-cv-01994-MMD-CWH

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANTS TO
RESPOND TO PLAINTIFFS' FIRST
AMENDED COMPLAINT**

(THIRD REQUEST)

Plaintiffs United States of America for the Use and Benefit of American General Construction, Inc. and American General Construction, Inc. d/b/a AGC, Inc. ("Plaintiffs"), Defendant PAE Applied Technologies, Inc. ("PAE"), Defendant Yack Construction, Inc. ("Yack") and Defendant Merchants Bonding Company ("Merchants") stipulate as follows:

Plaintiffs filed their First Amended Complaint [ECF No. 14] on September 19, 2017, adding PAE as a party to the suit. The parties stipulated to extend PAE's response deadline to October 27, 2017 and subsequently stipulated to extend PAE's response deadline to November 10, 2017. The parties now stipulate and agree that Defendants PAE, Yack and Merchants shall

1 have until and including January 18, 2018 to file their respective responses to Plaintiffs' First
2 Amended Complaint. The parties further stipulate that all parties' discovery obligations, if any,
3 shall be tolled until January 8, 2018.

4 This is the parties' third request for an extension of time for PAE to respond to the First
5 Amended Complaint, first request for an extension of time for Yack and Merchants to respond to
6 the First Amended Complaint and first request to toll discovery obligations. All parties have
7 agreed to mediate this matter and have scheduled a mediation with The Hon. Gene T. Porter (Ret.)
8 for December 20, 2017. The parties are hopeful that the upcoming mediation will resolve this
9 matter in its entirety. This requested extension is made in good faith and is not intended to cause
10 delay or prejudice to any party, but rather to facilitate a settlement resolution without further court
11 involvement and without the unnecessary expenditure of additional attorney's fees. In the event
12 that the parties are unable to resolve this matter via mediation, the parties will submit an amended
13 discovery plan and scheduling order to the Court by January 25, 2018.

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By so stipulating, none of the parties waive any claims, rights or defenses and expressly reserve all rights and defenses under Fed. R. Civ. P. 8 and 12.

DATED: November 9, 2017

SNELL & WILMER L.L.P.

GREENBERG TRAURIG, LLP

/s/ Bradley T. Austin

/s/ Christopher Miltenberger

Justin L. Carley (NV Bar No. 9994)
Bradley T. Austin (NV Bar No. 13064)
3883 Howard Hughes Pkwy, Suite 1100

Mark Ferrario (NV Bar No. 1625)
Christopher Miltenberger (NV Bar No. 1625)
Whitney Welch-Kirmse (NV Bar No. 12129)
3773 Howard Hughes Pkwy, Suite 400 North
Las Vegas, NV 89169

*Attorneys for Defendant PAE Applied
Technologies, LLC*

Attorneys for Plaintiffs

BOYACK ORME & ANTHONY

/s/ Edward D. Boyack

Edward D. Boyack, Esq. (NV Bar No. 5229)
7432 West Sahara Avenue, Suite 101
Las Vegas, Nevada 89117

*Attorneys for Defendants Yack Construction,
Inc. and Merchants Bonding Company*

IT IS SO ORDERED:


United States Magistrate Judge

DATED: November 13, 2017